

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SPHERE 3D CORP.,

*Plaintiff and  
Counterclaim-  
Defendant,*

vs.

GRYPHON DIGITAL MINING, INC.,

*Defendant and  
Counterclaim-Plaintiff.*

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Case No. 1:23-cv-02954- PKC-VF

**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION FOR ISSUANCE OF  
HAGUE CONVENTION REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE  
TO OBTAIN EVIDENCE IN THE UNITED KINGDOM**

The Court, having reviewed Plaintiff's Unopposed Motion for Issuance of a Hague Convention Request for International Judicial Assistance to Take Testimony Overseas and the accompanying papers, HEREBY ORDERS THAT:

1. The Motion is GRANTED.
2. The Request for Judicial Assistance Pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters attached as Exhibit A to the Declaration of Gregory N. Wolfe, is hereby issued as the Court's "Letter of Request" and is fully incorporated herein.
3. The signed Order and the Letter of Request will be given to Dontzin Nagy & Fleissig LLP, who will cause both documents to be filed with Royal Courts of Justice, The Senior Master (King's Bench Division), Royal Courts of Justice Strand, London WC2A 2LL, England.
4. The Stipulation and Order of Confidentiality (ECF No. 19) in this action shall apply to the testimony of Dan Tolhurst, including any transcript or video.

5. Neither this Order, testimony of Mr. Tolhurst, nor the terms of the Letter of Request (which are incorporated into this Order) shall be construed or operate as a waiver of any argument, position, objection, allegation, or claim or defense of any party in the above-captioned action, or of the attorney-client privilege, the work product doctrine, or any other privileges, rights, protections, or prohibitions that may apply to that evidence under the laws of the United Kingdom, the United States of America, or the State of New York.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

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THE HONORABLE VALERIE FIGUEREDO  
UNITED STATES MAGISTRATE JUDGE